

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALAN RUSSELL,

Defendant.

8:16CR256

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Findings and Recommendation, ECF No. 116, of Magistrate Judge Susan M. Bazis, recommending that the Court deny the Defendant Alan Russell's motion, ECF No. 69, seeking dismissal of the Indictment. The Defendant has submitted Objections, ECF No. 122, to the Findings and Recommendation, and a Brief, ECF No. 123, in support of the Objections. The Plaintiff submitted a Response, ECF No. 124, to the Objections.

After considering the Defendant's arguments, and conducting an independent review of the record of proceedings, the Court concurs with the Magistrate Judge's thorough and well-reasoned Findings and Recommendation. Specifically, the Court finds that the Defendant has not established that the government delayed the Indictment intentionally to gain tactical advantage or to harass the Defendant. Nor has the Defendant established that any delay resulted in actual and substantial prejudice to the presentation of his defense.

Accordingly,

IT IS ORDERED:

1. The Findings and Recommendation, ECF No. 116, of Magistrate Judge Bazis are adopted in their entirety;
2. The Defendant Alan Russell's Statement of Objections, ECF No. 122, is denied; and
3. The Defendant Alan Russell's Motion to Dismiss, ECF No. 69, is denied.

Dated this 7th day of September, 2017.

BY THE COURT:

s/ Laurie Smith Camp
Chief United States District Judge